

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

PATRICIA HAGAR, GABRIEL HAGAR and  
Sophia Hagar,

Plaintiffs,

vs.

ISSAQUAH SCHOOL DISTRICT,

Defendant.

No.

COMPLAINT

(JURY DEMAND)

Plaintiffs, by and through their attorneys, allege as follows:

**I. PARTIES**

1.1. Plaintiff Sophia Hagar was a student in the Issaquah School District during the entirety of the 2015-2016 and 2016-17 school years and from January 31, 2018 to July 23, 2018.

1.2. Plaintiff Patricia Hagar is Sophia Hagar's mother, and is currently a resident of Bothell, Washington.

1.3. Plaintiff Gabriel Hagar is Sophia Hagar's father, and is currently a resident of Bothell, Washington.

COMPLAINT (JURY DEMAND)  
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1 1.4. Plaintiffs Patricia and Gabriel Hagar were residents of Issaquah, Washington, from  
2 October 18, 2007 to July 12, 2017 and from January 20, 2018 to December 20, 2018, after which  
3 they relocated to Bothell, Washington.  
4

5 1.5. On July 23, 2018, Patricia and Gabriel Hagar placed Sophia Hagar at Solstice  
6 Residential Treatment Center, located at 1904 W. Gordon Ave., Layton, Utah 84041, where  
7 Sophia Hagar remained until Septmeber 3, 2019.

8 1.6. On September 3, 2019, Sophia Hagar established residency in Bothell, Washington,  
9 where she is currently a resident.  
10

11 1.7. Defendant Issaquah School District is a public school district in Issaquah,  
12 Washington.  
13

## 14 II. JURISDICTION AND VENUE

15 2.1. This case arises under Washington State law, federal law, and the federal  
16 Constitution.

17 2.2. This Court has jurisdiction under 28 U.S.C. §§ 1331 and 1343. This Court has  
18 supplemental or pendent jurisdiction over Washington State claims under § 1367(a).

19 2.3. Jurisdiction is also proper in this Court pursuant to RCW 4.96.020, because Plaintiffs  
20 served tort claims on the Issaquah School District and more than sixty days have passed.

21 2.4. Venue is proper in this Court pursuant to 28 U.S.C. § 1391.  
22

## 23 III. FACTUAL ALLEGATIONS

24 3.1. At the beginning of the 2009-2010 school year, Sophia Hagar began  
25 attending at a public elementary school located in the Issaquah School District (the  
26 “District”).  
27

1 3.2. Melissa Madsen--also known as Melissa Robertson--held the title of Executive  
2 Director of Special Education for the District during the 2015-2016, 2016-2017, and 2017-2018  
3 school years.

4  
5 3.3. At the District, up through the 2019-2020 school year, school counselors were  
6 typically responsible for conducting guidance team meetings.

7 3.4. At the District, up through the 2020-2021 school year, school counselors were  
8 typically responsible for conducting guidance team meetings.

9 3.5. For District middle school and high school teachers without a special education  
10 teaching certificate, continuing education in the area of special education was optional from at  
11 least the 2014-2015 school year through the 2019-20 school year.

12  
13 3.6. According to Dr. Dana Bailey, the number of students who are in special education  
14 and have an IEP in the District ranges between 9-11 percent of student body.

15 3.7. According to Dr. Dana Bailey, the District is very attentive to not going to special  
16 education too quickly and the District wants to try all tier one interventions and do so with fidelity  
17 for a period of time to see if the tier one interventions were going to work before referring a  
18 student for special education.

19  
20 3.8. According to Dr. Dana Bailey, it is common for the District to take a full school year  
21 to work through the guidance team process before referring a for an initial evaluation for special  
22 education.

23  
24 3.9. According to Dr. Dana Bailey, as part of the process referenced in paragraph 3.8, an  
25 intervention should be attempted for four to six weeks with fidelity and then a guidance team  
26 meeting should be held to discuss which interventions are and are not working.

**The 2015-16 School Year**

3.10. Sophia Hagar attended at Issaquah Middle School (“IMS”) during the 2014-15 school year, Sophia Hagar’s sixth grade year, and 2015-16 school year, Sophia Hagar’s seventh grade school year.

3.11. AnnaMaria Austin was Sophia Hagar’s school counselor at IMS during the 2014-2015 and 2015-2016 school years.

3.12. On February 9, 2016, Sophia Hagar’s math teacher, Susan Ahrens Dorf, sent a message to AnnaMaria Austin, stating that Sophia Hagar’s math skills were “very low” and that she thought it was “more than just not being on task. By chance, was she ever evaluated or sent to Guidance at IVE?”

3.13. Issaquah Valley Elementary (“IVE”) is a public elementary school located in the District.

3.14. Prior to Sophia Hagar matriculating to IMS, she attended at IVE.

3.15. Susan Ahrens Dorf was referring to Issaquah Valley Elementary when she used the acronym “IVE” in her the email referenced in paragraph 3.12.

3.16. Glen Mathis was a school psychologist employed by the District during the 2015-2016 school year.

3.17. On February 9, 2016, Glen Mathis confirmed in writing to AnnaMaria Austin and Susan Ahrens Dorf that there was no record of a guidance team meeting or special education referral for Sophia Hagar.

3.18. Susan Ahrens Dorf did not refer Sophia Hagar to a guidance team or for a special education evaluation, at least in part, because she believed that the staff at IVE

1 would have referred Sophia Hagar for a special education evaluation if she had needed to be  
2 evaluated for special education eligibility.

3 3.19. Susan Ahrensdorf's concern regarding Sophia Hagar's "very low" math skills was  
4 not shared with Patricia or Gabriel Hagar.  
5

6 3.20. Sophia Hagar finished the 2015-2016 school year with a letter grade of D+ in math.

7 3.21. During the 2015-16 school year, Sophia Hagar developed anxiety related to  
8 attending school.

9 3.22. A student receiving a letter grade of D+ in Susan Ahrensdorf's math class would  
10 typically cause her to refer the student to guidance team.  
11

12 3.23. As of July 22, 2020, Susan Ahrensdorf believed she had received no training  
13 through the District on its legal obligation to identify, locate, and evaluate students suspected of  
14 having a disability that may need special education and related services, also known as IDEA's  
15 "child find" mandate.  
16

17 3.24. As of July 22, 2020, Susan Ahrensdorf received no training through the District on  
18 its legal obligation to identify, locate, and evaluate students suspected of having a disability that  
19 may need special education and related services, also known as IDEA's "child find" mandate.  
20

21 3.25. As of the filing of this Complaint, Susan Ahrensdorf received no training through  
22 the District on to identify, locate, and evaluate students suspected of having a disability that may  
23 need special education and related services, also known as IDEA's "child find" mandate.

24 3.26. As of July 22, 2020, Susan Ahrensdorf believed that the District's child find  
25 obligation did not apply to students that were in middle school or high school.

26 3.27. As of July 22, 2020, Susan Ahrensdorf did not believe that the District permitted  
27

1 her to refer students assigned to her classroom for special education evaluations.

2 3.28. Sophia Hagar missed 20 days of school, was tardy 26 times, and her academic  
3 grades worsened when compared to her grades earlier in the same school year.

4 3.29. Patricia Hagar and Sophia Hagar discussed peer relationship and anxiety  
5 issues with IMS staff members at a meeting during March 2016.

6 3.30. Prior to the meeting referenced in paragraph 3.29, Sophia Hagar made a  
7 hand gesture by extending her middle finger during a science class taught by Christie  
8 Santodomingo.  
9

10 3.31. Christie Santodomingo believed that the hand gesture made by Sophia  
11 Hagar referenced in paragraph 3.30 was directed at Christie Santodomingo.  
12

13 3.32. The incident referenced in paragraph 3.31 was also discussed during the  
14 meeting referenced in paragraph 3.29.

15 3.33. Sophia Hagar had a meltdown during the meeting referenced in paragraph  
16 3.29.  
17

18 3.34. AnnaMaria Austin gave Patricia Hagar a list of names of therapists and  
19 counselors.

20 3.35. AnnaMaria Austin encouraged Patricia Hagar to find a counselor to work  
21 with Sophia Hagar on her anxiety and emotional issues.  
22

23 3.36. During the 2015-2016 school year, the District's "special education  
24 program procedure" ("2161P") addressed how the District implemented its special  
25 education program.

26 3.36.1. 2161P states that "[a] student or child birth through 21 whether or not enrolled  
27

1 in school, may be referred for a special education evaluation by any source.”

2 3.36.2. 2161P states that “[e]ach building principal and assigned school psychologist  
3 will be responsible for ensuring District staff understands the referral process.”  
4

5 3.36.3. Pursuant to 2161P, one of the ways in which the “District reaches students who  
6 may be eligible for special education services [is] through ... [w]ritten information and training  
7 provided to District staff on referral, evaluation and identification procedures”.

8 3.36.4. Pursuant to 2161P, the District also “reaches students who may be eligible for  
9 special education services through ... [r]eview of District collected information around student  
10 behavior, discipline, attendance and assessment information.”  
11

12 3.37. 2161P did not undergo any revisions from the 2015-2016 school year until June 1,  
13 2017.

14 3.38. The District’s “Identification and Referral (CHILDFIND)” section of 2161P  
15 underwent no substantive revisions when 2161P was revised on June 1, 2017.  
16

17 3.39. The next time 2161P was revised by the District was on November 1, 2020.

18 3.40. A school psychologist and/or principal assigned to IMS did not provide all IMS  
19 teachers with training on the District’s child find obligation during the 2014-2015 school year.

20 3.41. A psychologist and/or principal assigned to IMS did not provide all IMS teachers  
21 with training on the District’s child find obligation during the 2015-2016 school year.  
22

23 3.42. A psychologist and/or principal assigned to IMS did not provide all IMS teachers  
24 with training on the District’s child find obligation during the 2016-2017 school year.

25 3.43. A psychologist and/or principal assigned to IMS did not provide all IMS teachers  
26 with training on the District’s child find obligation during the 2017-2018 school year.  
27

1 3.44. A school psychologist and/or principal assigned to IMS did not provide all  
2 IMS teachers with training on the District's child find obligation during the 2018-2019  
3 school year.

4 3.45. A school psychologist and/or principal assigned to IMS did not provide all  
5 IMS teachers with training on the District's child find obligation during the 2019-2020  
6 school year.

7 3.46. A school psychologist and/or principal assigned to IMS did not provide IMS  
8 staff with training on the District's child find obligation during the 2020-2021 school  
9 year.

10 3.47. During the 2015-2016 school year, Sophia Hagar experienced frequent  
11 episodes of restless sleeping due to school related anxiety and other school related issues.

12 3.48. During the 2015-2016 school year, Sophia Hagar frequently felt ill due to  
13 school related anxiety and other school related issues.

14 3.49. During the 2015-2016 school year, Sophia Hagar would frequently cry at  
15 school and at home due to school related anxiety and other school related issues.

16 3.50. During the 2015-2016, school year, Sophia Hagar would frequently call her  
17 parents during the school day because school was unbearable for her.

18 3.51. Most of Sophia Hagar's absences during the 2015-2016 school year were  
19 due to school related anxiety.

20 3.52. During the summer of 2016, Sophia Hagar began seeing a counselor named  
21 Doug McClosky. Doug McClosky recommended that Sophia Hagar be evaluated for a  
22 learning impairment.



**The 2016-17 School Year**

3.53. Patricia Hagar, Gabriel Hagar, and Sophia Hagar relocated during the summer of 2016 to a home also located in the District.

3.54. Sophia Hagar attended at Pacific Cascade Middle School, also located within the Issaquah School District, during the 2016-17 school year, her eighth grade school year.

3.55. Dr. Dana Bailey was the Principal at PCMS during the 2016-2017 school year.

3.56. Dr. Dana Bailey began working as a special education teacher during 1989 and continued to work as a special education teacher at several school districts in Washington until sometime during 2001, when she was employed by the District as an administrator.

3.57. As of the 2016-17 school year, Dr. Dana Bailey had not completed her doctorate degree in special education.

3.58. Prior to the start of the 2016-17 school year, Dr. Dana Bailey matriculated into the doctoral program that eventually led to Dr. Dana Bailey receiving a Ph.D in education with a specialization in special education.

3.59. By the start of the 2016-2017 school year, Dr. Dana Bailey had completed two or more years of her Ph.D program.

3.60. Dr. Dana Bailey received her Ph.D in education with a specialization in special education during 2018.

3.61. In October of 2016, Parents had Sophia Hagar evaluated by clinical neuropsychologist Dr. Gayle Fay.

3.62. Dr. Fay concluded that Sophia Hagar qualified for a diagnosis of Attention Deficit Disorder and would need 504 accommodations.

1 3.63. Dr. Fay's evaluation report for Sophia Hagar recommended one-to-one  
2 coaching for math.

3 3.64. Dr. Fay's evaluation report for Sophia Hagar noted that she is hypervigilant  
4 to error when learning concepts, which tends to provoke considerable anxiety for her.  
5

6 3.65. Dr. Fay suspected that Sophia Hagar required special education services and  
7 believes that her evaluation of Sophia Hagar should have placed the District on notice  
8 that Sophia Hagar needed to be evaluated for eligibility for special education services.  
9

10 3.66. Patricia Hagar provided a copy of Dr. Fay's evaluation report for Sophia  
11 Hagar to Sonja Petersen during October of 2016.

12 3.67. Sonja Petersen was Sophia Hagar's assigned PCMS counselor during the  
13 2016-2017 school year.

14 3.68. Prior to the start of the 2016-2017 school year, Sonja Petersen knew that  
15 Sophia Hagar struggled academically during the 2015-2016 school year based on the  
16 grades she received.  
17

18 3.69. Kathleen McConnell was Sophia Hagar's study skills class teacher at  
19 PCMS during the 2016-2017 school year.

20 3.70. Sophia Hagar was placed in a study skills class at the beginning of the 2016-  
21 2017 school year because of her low academic grades from the prior school year.  
22

23 3.71. The study skills class Sophia Hagar was placed in for the 2016-2017 school  
24 year is not a special education class.

25 3.72. According to Kathleen McConnell, she did a lot of one-on-one work with  
26 Sophia Hagar, which helped Sophia Hagar complete her schoolwork. Sophia Hagar  
27

1 would lose focus when she was not provided with one-on-one support in study skills class.

2 3.73. Erin Kwok Tak Hing (“Erin Kwok”) was Sophia Hagar’s English Language  
3 Arts teacher at PCMS during the 2016-2017 school year.

4 3.74. During the 2018-2019 and 2019-2020 school years, Erin Kwok co-taught English  
5 Language Arts classes with a special education teacher.

6 3.75. Darrell Nichols was Sophia Hagar’s math teacher at PCMS during the 2016-2017  
7 school year.

8 3.76. Sonja Petersen recalls Sophia Hagar having spotty attendance, being absent more  
9 days than most students, and exhibiting anxiety.

10 3.77. Sonja Petersen recalls Sophia Hagar exhibiting signs of depression, including (1)  
11 challenges with social relationships in the school setting, (2) attendance issues, and (3) struggles  
12 at home with Patricia and Gabriel Hagar.

13 3.78. Sonja Petersen was aware that Student received unsatisfactory or failing grades  
14 during the second and third trimesters of the 2016-2017 school year.

15 3.79. During the 2016-17 school year, Sonja Petersen understood that Parents were  
16 experiencing challenges with getting Sophia Hagar to attend school and Sophia Hagar was  
17 having challenges with social relationships.

18 3.80. On October 21, 2016, during a hallway conversation between Sonja Petersen and  
19 Patricia Hagar, Sonja Petersen told Patricia Hagar that an IEP is for students with more severe  
20 disabilities, and she did not believe Sophia Hagar would qualify for an IEP.

21 3.81. During the same conversation on October 21, 2016, Patricia Hagar clarified what  
22 Sonja Petersen meant by more severe disabilities, and asked if Sonja Petersen meant Down’s  
23

1 Syndrome.

2 3.82. Sonja Petersen responded in the affirmative to Patricia Hagar's question and  
3 provided no additional information or context.  
4

5 3.83. On October 21, 2016, a guidance team meeting was held to discuss Sophia  
6 Hagar.

7 3.84. At the District, up through the 2016-2017 school year, school counselors  
8 were typically responsible for conducting guidance team meetings.

9 3.85. Sophia Hagar's guidance team agreed to reconvene in four to six weeks to  
10 discuss interventions implemented for Sophia Hagar and whether to evaluate Sophia  
11 Hagar for a 504 plan.  
12

13 3.86. As early as October of 2016, Kathleen McConnell believed that Sophia  
14 Hagar had a disability of attention deficit disorder ("ADD").

15 3.87. Kathleen McConnell also recognized during the 2016-2017 school year that  
16 Sophia Hagar presented with anxiety.  
17

18 3.88. Kathleen McConnell believed that Sophia Hagar's absenteeism was  
19 behavior based, in that she did not attend school because she was embarrassed by her  
20 behavior at school.  
21

22 3.89. At some point during the 2016-2017 school year, Sonja Petersen  
23 communicated to Kathleen McConnell that Sophia Hagar's absenteeism was due to  
24 school-related anxiety.

25 3.90. Kathleen McConnell believed that when Sophia Hagar acted insubordinate,  
26 it was attention seeking behavior.  
27

1 3.91. Kathleen McConnell expressed her concern about Sophia Hagar's issues with  
2 focusing during class time to Sonja Petersen and other teachers at PCMS.

3 3.92. On October 27, 2016, Prime Numbers assessed Sophia Hagar for math.

4 3.93. Parents shared the Prime Numbers evaluation report with PCMS staff.

5 3.94. The Prime Numbers evaluation report placed Sophia Hagar well below grade level  
6 in the area of math.

7 3.95. Upon receiving Sophia Hagar's evaluation report from Prime Numbers, Dr. Dana  
8 Bailey did not refer Sophia Hagar for a special education and did not discuss special education  
9 with Patricia or Gabriel Hagar as a potential option for Sophia Hagar.

10 3.96. After Dr. Dana Bailey received the Prime Numbers evaluation report, she discussed  
11 with Patricia Hagar moving Sophia Hagar to a math class of mostly sixth grade students or a  
12 seventh grade math class.

13 3.97. According to Darrell Nicholls, Dr. Bailey suggested moving Sophia Hagar from  
14 her eighth grade level content math class to a seventh grade level content math class.

15 3.98. According to Dr. Dana Bailey, she has been familiar with "child find" as a term of  
16 art since she was a special education teacher.

17 3.99. On July 15, 2020, Dr. Bailey described child find as "the function where individuals  
18 can bring forth concerns about a student's ability to access their education." Dr. Bailey believes  
19 that a school district's child find obligation extends to a student's school counselor, principal,  
20 and school nurse.

21 3.100. Prior to the 2015-2016 school year, Dr. Bailey believed that a school district's  
22 child find obligation extends to a school district's teachers.

1           3.101. According to Dr. Dana Bailey, a District employee is supposed to refer a  
2 student to guidance team for consideration for a special education evaluation when a  
3 District employee has knowledge of or suspects a disability or a lack of access.  
4

5           3.102. During the 20-2016 school year, the District's "special education program  
6 procedure" ("2161P") addressed how the District implemented its special education  
7 program.  
8

9           3.103. 2161P states that "[a] student or child birth through 21 whether or not  
10 enrolled in school, may be referred for a special education evaluation by any source."  
11

12           3.104. 2161P states that "[e]ach building principal and assigned school  
13 psychologist will be responsible for ensuring District staff understands the referral  
14 process."  
15

16           3.105. Pursuant to 2161P, one of the ways in which the "District reaches students  
17 who may be eligible for special education services [is] through ... [w]ritten information  
18 and training provided to District staff on referral, evaluation and identification  
19 procedures".  
20

21           3.106. Pursuant to 2161P, the District also "reaches students who may be eligible  
22 for special education services through ... [r]eview of District collected information  
23 around student behavior, discipline, attendance and assessment information."  
24

25           3.107. Dr. Dana Bailey did not provide training on the District's child find  
26 obligation to PCMS staff during the 2014-2015, 2015-2016, and 2016-2017 school years.  
27

28           3.108. Dr. Dana Bailey does not know if anyone provided PCMS staff with  
training on the District's child find obligation during the 2014-2015, 2015-2016, and

1 2016-2017 school years.

2 3.109. As of July 16, 2020, Kathleen McConnell was vaguely familiar with the  
3 term “child find” in the context of special education. At the time, she believed “child find” was  
4 part of the process to qualify students for individualized education programs and 504 plans.  
5

6 3.110. As of July 16, 2020, Erin Kwok had not received training related to special  
7 education through the District other than a singular workshop she attended that may have touched  
8 on special education related issues.

9 3.111. Prior to the 2016-2017 school year Erin Kwok’s only education and instruction in  
10 special education related issues was through her college coursework.  
11

12 3.112. As of July 16, 2020, Erin Kwok believed that continuing education in the area of  
13 special education was optional for District staff without a special education teaching certificate.

14 3.113. As of July 16, 2020, Erin Kwok was not familiar with the special education term  
15 “child find”.  
16

17 3.114. According to Erin Kwok, she will refer a student to Guidance Team for  
18 consideration for a special education evaluation when she learns through a parent that the student  
19 has a disability or based on her own observations.

20 3.115. According to Kathleen McConnell, Sophia Hagar was able to grasp academic  
21 content when she worked with her; therefore, she did not believe Sophia Hagar needed special  
22 education.  
23

24 3.116. Kathleen McConnell did observe Sophia Hagar presenting with challenges in the  
25 area of executive functioning and executive functioning skills were an area of concern Kathleen  
26 McConnell had for Sophia Hagar.  
27

1 3.117. Kathleen McConnell was also concerned for Sophia Hagar in the area of  
2 social/emotional.

3 3.118. Kathleen McConnell believed that a Section 504 plan was sufficient for  
4 Sophia Hagar because she never saw Sophia Hagar struggle to understand academic  
5 concepts.  
6

7 3.119. According to Erin Kwok, Sophia Hagar was frequently absent from class  
8 due to anxiety.

9 3.120. According to Erin Kwok, Sophia Hagar was easily distracted and struggled  
10 to focus on reading during class.  
11

12 3.121. Erin Kwok had discussions with other teachers about Sophia Hagar  
13 approximately once a week or every other week to try and find a solution for the  
14 challenges Sophia Hagar was having at PCMS.

15 3.122. Erin Kwok had five or more conversations with Dr. Dana Bailey about  
16 Sophia Hagar's challenges at PCMS.  
17

18 3.123. Erin Kwok had twelve or more conversations with Sonja Petersen about  
19 Sophia Hagar's challenges at PCMS.

20 3.124. According to Erin Kwok, she did not suspect that Sophia Hagar had a  
21 disability, but she did recall attending a meeting where she was notified that Sophia  
22 Hagar had a diagnosis of ADD.  
23

24 3.125. As of July 16, 2020, Erin Kwok did not believe that a student with ADD  
25 could qualify for special education and related services.

26 3.126. As of July 16, 2020, Erin Kwok did not believe that a student with attention  
27



1 hyperactivity disorder could qualify for special education and related services.

2 3.127. As of July 16, 2020, Erin Kwok believed that special education is  
3 exclusively for students with academic related disabilities.

4 3.128. As of July 16, 2020, Erin Kwok believed that an anxiety disorder is not a  
5 qualifying disability under IDEA.

6 3.129. On November 2, 2016, Dr. Dana Bailey sent an e-mail to Sonja Petersen regarding  
7 Sophia Hagar, stating in part, “given that we see a real and debilitating issue for Sophie, and one  
8 idea is to look at doing a few things well and truly lighten her load.” Dr. Dana Bailey’s email  
9 goes on to state the Sophia Hagar’s principal at IMS reported to Dr. Dana Bailey that Sophia  
10 Hagar was the “central drama of all things in her grade” and Dr. Dana Bailey ended her email  
11 by stating, “I think [Sophia Hagar’s] true learning struggles may have been masked by all this  
12 drama!”

13 3.130. Seth Adams with the Principal at IMS during the 2015-2016 and 2016-2017  
14 school years.

15 3.131. Dr. Dana Bailey spoke with Seth Adams about Sophie Hagar before sending the  
16 email referenced in paragraph 3.129.

17 3.132. Dr. Dana Bailey was aware that Sophia Hagar was frequently absent from school  
18 during the second half of the 2016-2017 school year.

19 3.133. Dr. Dana Bailey’s use of the phrase “true learning struggles” referenced in  
20 paragraph 3.129 was intended to mean Sophia Hagar’s inability to attend school, inability to  
21 focus during school, and inability to stay out of distractions from school.

22 3.134. According to Dr. Dana Bailey, during the 2016-2017 school year, she had as many  
23

1 as ten in-person meetings with Patricia and/or Gabriel Hagar about Sophia Hagar.

2 3.135. Dr. Dana Bailey was included on several emails that referenced Sophia Hagar  
3 having anxiety.

4 3.136. Patricia Hagar orally communicated with Dr. Dana Bailey about Sophia's  
5 anxiety issues.

6 3.137. Dr. Dana Bailey knew that Sophia Hagar would stay in the PCMS  
7 restrooms to avoid going to her classes.

8 3.138. Dr. Dana Bailey was responsible for reviewing PCMS students' mid-  
9 trimester and trimester academic report cards.

10 3.139. As a matter of practice, Dr. Dana Bailey reviewed Sophia Hagar's mid-  
11 trimester and trimester academic report cards throughout the 2016-2017 school year.

12 3.140. The next time Sophia Hagar's guidance team reconvened was during  
13 February of 2017.

14 3.141. On or about October 7, 2016, Sonja Petersen knew that Sophia Hagar had  
15 a disability or disabilities.

16 3.142. Sonja Petersen suspected that Sophia Hagar's disability or disabilities  
17 were interfering with her academics.

18 3.143. On December 1, 2016, in an email to Dr. Dana Bailey and Sonja Petersen,  
19 Patricia Hagar questioned whether Sophia Hagar is emotionally capable of handling  
20 public middle school and requested their feedback on three different private schools as  
21 alternative schooling options for Sophia Hagar

22 3.144. Sonja Petersen replied to Patricia Hagar's email dated December 1, 2016,  
23  
24  
25  
26  
27

1 that Sonja Petersen had “many of these same issues in her head.”

2 3.145. Dr. Dana Bailey did not offer Patricia Hagar or Gabriel Hagar any  
3 feedback, written or oral, in response to Patricia Hagar’s request for feedback on private schools  
4 in her email dated December 1, 2016.  
5

6 3.146. Sonja Petersen did not offer Patricia Hagar or Gabriel Hagar any feedback, written  
7 or oral, in response to Patricia Hagar’s request for feedback on private schools in her email dated  
8 December 1, 2016.

9 3.147. If an email was directed to Dr. Dana Bailey, as a matter of practice, she would  
10 read the email when she received the email or shortly thereafter.  
11

12 3.148. In early January 2017, Sophia Hagar was involved in a racially and sexually  
13 charged verbal altercation with a male PCMS student. The male student referred to Sophia Hagar  
14 as a “slut”, “ho”, accused her of taking sex for money, made a vulgar gesture in her direction  
15 indicating oral copulation and then stated something to the effect of “that is what she does all  
16 night.” The male student also made disparaging remarks about Sophia Hagar’s physical features,  
17 her intellect, and her ancestry. Sophia Hagar was suspended for her offensive statement to the  
18 male student.  
19

20 3.149. Dr. Bailey was aware of the incident described in paragraph 3.148 and was  
21 informed of disciplinary action taken against Sophia Hagar for her part in the incident. With  
22 respect to Sophia Hagar’s conduct, Dr. Bailey was concerned by the situation.  
23

24 3.150. On February 1, 2017, Patricia Hagar inquired about Sophia Hagar transferring  
25 from PCMS to a different middle school within the District.

26 3.151. On February 2, 2017, Saskia VonMichalofski, Sophia Hagar’s prescribing nurse  
27

1 practitioner, wrote a letter regarding Sophia Hagar that was provided to the District.

2 3.152. Saskia VonMichalofski's letter states that Sophia Hagar's anxiety contributed to  
3 her missing school and would continue to do so.

4 3.153. By no later than March of 2017, Dr. Dana Bailey believed that Sophia  
5 Hagar's escalating behaviors were adding to the interference of her education.

6 3.154. On March 17, 2017, Sophia Hagar called the District Superintendent's  
7 Office and spoke with or left a message with Debbie Romano, District Operations  
8 Coordinator, that Debbie Romano recalls was "alarming enough" to contact Dr. Dana  
9 Bailey.

10 3.155. On March 21, 2017, Sophia Hagar was at least partially responsible for a  
11 cyberbullying incident involving students from IMS.

12 3.156. That same day, Dr. Dana Bailey sent an email to Sonja Petersen stating in  
13 part that she was "egregiously worried about [Sophia Hagar's] mental health. Dr. Dana  
14 Bailey went on to write, "I think she is having some sort of mental health break and I am  
15 really, really worried."

16 3.157. The District referred the cyberbullying incident referenced in paragraph  
17 3.155 to the police.

18 3.158. Shortly after it was discovered that Sophia Hagar was at least partially  
19 responsible for the cyberbullying incident, she repeatedly threatened to kill herself and  
20 was taken to a hospital emergency room for examination.

21 3.159. At one point, Dr. Dana Bailey and Patricia Hagar spoke over the telephone  
22 while Sophia Hagar threatened to kill herself and/or said she wanted to die.

1 3.160. During the telephone conversation between Dr. Dana Bailey and Patricia Hagar,  
2 Dr. Dana Bailey overheard Sophia Hagar stated that she wanted to kill herself and/or that she  
3 wanted to die.

4  
5 3.161. On March 23, 2017, while Dr. Dana Bailey and Patricia Hagar were sending one  
6 another e-mail communications about the cyberbullying incident involving Sophia Hagar, Dr.  
7 Dana Bailey wrote to Patricia Hagar, "I love you. Over and over. Thanks."

8 3.162. On March 26, 2017, Parents emailed Dr. Dana Bailey and Sonja Petersen. In the  
9 email, Parents ask whether the District could complete Sophia Hagar's Section 504 plan while  
10 acknowledging that it is "a lot to ask".

11  
12 3.163. The same March 26, 2017 email addresses Sophia Hagar returning to PCMS and  
13 Parents state at the end of the email, "I hope this is OK with you, please let me know and if not  
14 we'll make other plans for Tuesday onward."

15 3.164. On March 31, 2021, Sophia Hagar's initial Section 504 Accommodation Plan  
16 went into effect.

17  
18 3.165. Sophia Hagar qualified for her initial Section 504 Accommodation Plan due to her  
19 anxiety and ADD.

20 3.166. Dr. Bailey was aware that Sophia Hagar did not receive a Section 504  
21 Accommodation Plan until March 31, 2017.

22  
23 3.167. The accommodations included on Sophia Hagar's initial Section 504  
24 Accommodation plan were substantively the same accommodations and/or interventions the  
25 District had previously attempted during the 2016-2017 school year.

26 3.168. On May 18, 2017, Sophia Hagar received an emergency expulsion from PCMS,  
27

1 which was later converted to a short-term suspension, for what the District characterized  
2 as an act of arson by Sophia Hagar.

3 3.169. Darrel Nichols did not believe that any of the interventions were successful  
4 that he attempted in the classroom setting for Sophia Hagar.

5 3.170. According to Dr. Bailey, suicide prevention training is required training  
6 that is provided to District staff every school year.

7 3.171. According to the District's training materials on suicide prevention, which  
8 is titled "Recognizing and Responding to Emotional or Behavioral Distress in Students",  
9 when District employee observes warning signs that a student may be at risk of suicide,  
10 the District employee is to "note the behavior and consult with [their] school counselor,  
11 principal, dean/assistant principal to ensure appropriate and quick assessment and  
12 treatment. It may also be appropriate to also refer the student to the school's Guidance  
13 Team."  
14

15 3.172. The same training also includes instruction that if a District employee  
16 believes "that a student is in danger of harming him- or herself. Contact the principal,  
17 dean/assistant principal, counselor, immediately to share your concerns."  
18

19 3.173. Finally, the same training also requires District employees to contact the  
20 "the troubled student['s] ... parents or legal guardian" except for in limited circumstances  
21 where the District employee believes that contacting the parents or legal guardian "may  
22 further endanger the child."  
23

24 3.174. *13 Reasons Why* is a novel that was adapted into a television series. The  
25 novel and the television series follow roughly the same plot in which Hannah Baker, a  
26

1 female high school student, commits suicide. Post-mortem, Hannah Baker leaves cassette tapes  
2 for thirteen of her classmates chronicling their responsibility in Hannah Baker's decision to end  
3 her life.

4  
5 3.175. At some point during the 2016-2017 school year, Sonja Petersen informed Dr.  
6 Bailey of the premise of the *13 Reasons Why* television series.

7 3.176. Sonja Petersen told Dr. Dana Bailey something to the effect of that that *13*  
8 *Reasons Why* "was probably going to trigger some students."

9 3.177. On April 25, 2017, PCMS's Counseling Office submitted a post about *13 Reasons*  
10 *Why* to the District's "Connect" message board. The message board post includes an attachment  
11 titled "13 Reasons Why Talking Points."

12  
13 3.178. On May 2, 2017, Kathleen McConnell emailed Dr. Dana Bailey and Sonja  
14 Petersen, informing them that "[a]t the end of the [class] period [Sophia Hagar] started to list off  
15 who she would make tapes for if she was in *13 Reasons Why*." Kate McConnell concluded the  
16 email, "I think it would be best if she had a break from Study Skills since she doesn't really seem  
17 motivated to do any work at this point in the year."

18  
19 3.179. As of July 16, 2020, Kathleen McConnell could not recall having any training on  
20 suicide prevention through the District.

21 3.180. As of May 2, 2017, Kathleen McConnell was familiar enough with the plot of *13*  
22 *Reasons Why* to know that the main character commits suicide.

23  
24 3.181. Dr. Dana Bailey contacted Patricia Hagar to notify her that Sophia Hagar was not  
25 meeting expectations in her study skills class but did not inform Patricia or Gabriel Hagar that  
26 Sophia Hagar had referenced making suicide tapes like Hannah Baker does in *13 Reasons Why*.

1 3.182. Sonja Petersen had knowledge of the plot of *13 Reasons Why* prior to May  
2 2, 2017.

3 3.183. Sonja Petersen described Kate McConnell's email referenced in paragraph 3.178  
4 as alarming or being alarmed by the e-mail but she took no further action to address the  
5 e-mail other than forwarding the email to the Dean of Students Marcy O'Neill.  
6

7 3.184. By the end of the 2016-17 school year, Sophia Hagar accumulated 63.20  
8 days of excused absences, 17.98 days of unexcused absences, 40 incidents of tardiness  
9 to class periods, and all unsatisfactory grades.  
10

11 3.185. According to Kathleen McConnell, Sophia Hagar would interfere with  
12 other students' ability to learn in the classroom setting multiple times a week throughout  
13 the school year.

14 3.186. According to Kathleen McConnell, Sophia Hagar's absences from her  
15 class interfered with her education.  
16

17 3.187. According to Erin Kwok, Sophia Hagar's absences from her class  
18 interfered with her ability to access her academics.

19 3.188. Sophia Hagar's academic grades declined throughout the school year as  
20 the District continued to attempt what were substantively the same interventions.  
21

22 3.189. According to Dr. Dana Bailey, special education is not necessarily  
23 discussed during guidance team meetings.

24 3.190. Special education was not discussed during either of Sophia Hagar's  
25 guidance team meetings during the 2016-2017 school year.

26 3.191. Patricia Hagar trusted Dr. Dana Bailey and believed they were friends.  
27



1 3.192. Dr. Dana Bailey intentionally cultivated a friendly relationship with Patricia  
2 Hagar.

3 3.193. Patricia Hagar was led to believe by some PCMS staff that the District had gone  
4 above and beyond what was required of the District to meet Sophie Hagar's needs in the  
5 academic setting.  
6

7 3.194. On August 1, 2017, Dr. Dana Bailey sent an email to Patricia Hagar in which she  
8 stated in part, "I have prayed and prayed all summer that [Sophia Hagar] settles in quickly."

9 3.195. Dr. Dana Bailey does not recall praying a single time for Sophia Hagar during the  
10 summer of of 2017.  
11

12 3.196. Other than Sonja Petersen's hallway conversation with Patricia Hagar on October  
13 21, 2016, no District employee discussed the option of evaluating Sophia Hagar for special  
14 education eligibility with Parents during the 2016-2017 school year.  
15

16 3.197. During the 2016-2017 school year, Sophia Hagar suffered from frequent bouts of  
17 anxiety that directly attributed to her school absences.

18 3.198. During the 2016-2017 school year, Sophia Hagar experienced frequent episodes  
19 of restless sleeping due to school related anxiety and other school related issues.  
20

21 3.199. During the 2016-2017 school year, Sophia Hagar frequently felt ill due to school  
22 related anxiety and other school related issues.

23 3.200. During the 2016-2017 school year, Sophia Hagar would frequently cry at school  
24 and at home due to school related anxiety and other school related issues.

25 3.201. During the 2016-2017, school year, Sophia Hagar would frequently call her  
26 parents during the school day because school was unbearable for her.  
27

1 3.202. During the 2016-2017 school year, Sophia Hagar experienced  
2 hyperhidrosis that was triggered by school and eventually diagnosed while the Hagars  
3 were in Texas.  
4

5 3.203. Sophia Hagar suffered severe emotional pain while she attended at IHS  
6 due to feelings of low self-worth and anxiety which were directly related to the District's  
7 failure to timely and appropriately intervene on Sophie's behalf in the academic setting.  
8

**The 2017-18 School Year**

9 3.204. Sophia Hagar relocated to Texas during the summer prior to Sophia  
10 Hagar's ninth grade school year, the 2017-18 school year, where Sophia Hagar attended  
11 at public and private schools for approximately a total of one semester. Parents enrolled  
12 Sophia Hagar at Keller High School in Texas but during her first few days of school,  
13 Sophia Hagar hid in bathrooms and refused to go to school.  
14

15 3.205. Parents then enrolled Sophia Hagar at Indian Springs Middle School, also  
16 located in Texas, for eighth grade.  
17

18 3.206. Sophia Hagar attended at Indian Springs Middle School for approximately  
19 one week but stopped attending due to experiencing anxiety.  
20

21 3.207. Based on the recommendation of a school counselor at Indian Springs  
22 Middle School, during September of 2017, Parents enrolled Sophia Hagar at Mind Above  
23 Matter, an outpatient program also located in Texas.

24 3.208. Sophia Hagar completed the Mind Above Matter program after  
25 approximately six to seven weeks.  
26

27 3.209. On October 20, 2017, Parents enrolled Sophia Hagar at Fusion Academy,  
28

1 a one-on-one student to teacher learning model school.

2 3.210. Sophia Hagar received passing letter grades for the four courses she  
3 enrolled in while attending at Fusion Academy.

4 3.211. Sophia Hagar felt depressed and isolated while living in Texas.

5 3.212. Patricia Hagar, Gabriel Hagar, and Sophia Hagar, relocated back to Issaquah,  
6 Washington during January of 2018 and Sophia Hagar attended at Issaquah High School for  
7 approximately one semester during the second half of the 2017-18 school year. Parents enrolled  
8 Sophia Hagar at Issaquah High School (“IHS”).  
9

10 3.213. IHS is located within the boundary lines of the District.

11 3.214. Emily Combellick (formerly Tuttle) was Sophia Hagar’s school counselor at IHS.

12 3.215. Emily Combellick has held a school counselor position with IHS since October of  
13 2011.  
14

15 3.216. After Sophia Hagar was enrolled at IHS, Emily Combellick spoke with Sonja  
16 Petersen about Sophia Hagar.

17 3.217. Before Sophia Hagar began attending at IHS, Emily Combellick knew of Sophia  
18 Hagar’s history of poor school attendance and Emily Combellick was worried that Sophia Hagar  
19 would have poor school attendance at IHS even before Sophia Hagar’s first day of attendance at  
20 IHS.  
21

22 3.218. None of Sophia Hagar’s records that were available to Emily Combellick  
23 referenced that Sophia Hagar had threatened to commit suicide during the 2016-2017 school  
24 year.  
25

26 3.219. None of Sophia Hagar’s records that were available to Emily Combellick  
27

1 referenced that Sophia Hagar had refercend *13 Reasons Why* or making tapes like the  
2 main character in *13 Reasons Why*.

3 3.220. During 2017, Emily Combellick did not review Sophia Hagar's  
4 cumulative file.

5 3.221. During 2017, Emily Combellick did not review Sophia Hagar's  
6 disciplinary file.

7 3.222. Prior to February 2017, the District had not created a record related to  
8 Sophie Hagar threatening, referencing, or discussing suicide other than the email chain  
9 started by Kathleen McConnell on May 2, 2017.

10 3.223. On or before February 12, 2018, Emily Combellick reviewed Sophia  
11 Hagar's Section 504 plan created by PCMS during the 2016-17 school year.

12 3.224. On or before February 12, 2018, Emily Combellick knew or believed that  
13 Sophia Hagar's school attendance issue was related to Sophia Hagar's anxiety issue.

14 3.225. January 31, 2018, was the first day Sophia Hagar attended at IHS.

15 3.226. On January 31, 2018, Sophia Hagar met with Allison Cathro, the IHS  
16 school nurse, and did not complete the school day due to social media posted by at least  
17 one other student that made Sophia Hagar feel uncomfortable.

18 3.227. On January 31, 2018, Allison Cathro informed Emily Combellick that  
19 Sophia Hagar had come to see Allison Cathro and asked if Emily Combellick was  
20 available to support Sophia Hagar.

21 3.228. On February 4, 2018, Sophia Hagar attempted suicide, resulting in  
22 hospitalization.

1 3.229. On February 6, 2018, Sophia Hagar informed Allison Cathro of her attempted  
2 suicide.

3 3.230. Sophia Hagar notified Allison Cathro of her suicide attempt because her body was  
4 in pain from convulsing as a result of her suicide attempt.  
5

6 3.231. Shortly thereafter, on February 6, 2018, Allison Cathro informed Emily  
7 Combellick of Sophia Hagar's suicide attempt.

8 3.232. Upon learning that Sophia Hagar had recently attempted suicide, Emily  
9 Combellick took no further action to identify additional services for Sophia Hagar in the  
10 academic setting due to Sophia Hagar exhibiting signs of depression, anxiety, self-harm, and/or  
11 suicidal ideations.  
12

13 3.233. On February 12, 2018, Parents attended a 504 meeting with Emily Combellick  
14 and Douglas Wolff, Assistant Principal at IHS.

15 3.234. According to Douglas Wolf, he does not spend a lot of time reviewing information  
16 from the eighth grade school year of incoming ninth grade students assigned to him because he  
17 likes to give students a "fresh start".  
18

19 3.235. According to Douglas Wolf, the fresh start that is referenced in paragraph 3.234  
20 is in the spirit of the special education concept of "least restrictive environment".  
21

22 3.236. According to Douglas Wolf, because Sophia Hagar was not referred for an initial  
23 evaluation for special education during middle school, IHS assumed that 504 plan was  
24 appropriate for her.

25 3.237. IHS staff knew that Sophia Hagar experienced relative academic success at Fusion  
26 Academy, where she had a one-on-one academic instructor, while she was living in Texas.  
27

1 3.238. At the time of the 504 meeting on February 12, 2018, Emily Combellick  
2 believed that Sophia Hagar's eighth grade 504 plan and the proposed ninth grade 504  
3 plan were substantially similar.  
4

5 3.239. No other 504 meetings were held for Sophia Hagar by the District during  
6 the 2017-18 school year.

7 3.240. During the 2017-2018 school year, IHS did not distribute IHS students'  
8 504 plans to their respective teachers.

9 3.241. During the 2017-2018 school year, it was IHS teachers' responsibility to  
10 check their students' electronic files to determine each student assigned a 504 plan.  
11

12 3.242. Special education was not discussed during Sophia Hagar's 504 meeting  
13 on February 12, 2018.

14 3.243. No one from the District discussed with Parents special education as a  
15 potential option for Sophia Hagar during the 2017-18 school year.  
16

17 3.244. Sophia Hagar's 504 plan, effective February 13, 2018, states one  
18 hypothesis, which is: "[Sophia Hagar's] anxiety has contributed to a lot of absences and  
19 attendance issues in the past. [Sophia Hagar] and her parents hope that this has improved  
20 and that she will be able to attend more regularly moving forward."  
21

22 3.245. Sophia Hagar's 504 plan with an effective date of February 13, 2018,  
23 includes five accommodations, which were intended by the District to address the  
24 hypothesis, which is included on the same 504 plan.

25 3.246. On February 13, 2018, Patricia Hagar emailed Emily Combellick about  
26 Sophia Hagar struggling to attend her first period class at IHS.  
27

1 3.247. On February 14, 2018, Kurtis Evans, Sophia Hagar's math teacher at IHS, emailed  
2 Emily Combellick that Sophia Hagar was considering dropping Algebra.

3 3.248. On February 16, 2018, Kurtis Evans emailed Emily Combellick that Sophia Hagar  
4 had attended two or three days of class during the semester and he was concerned.  
5

6 3.249. That same day, IHS students reported to Emily Combellick that Sophia Hagar had  
7 drugs on her person and Sophia Hagar was physically searched at IHS; no drugs were found.

8 3.250. On February 26, 2018, Sophia Hagar began seeing psychiatrist, Dr. Marisol  
9 Toliver-Sokol.  
10

11 3.251. During the 2017-18 school year Erin Connolly was an administrative intern at IHS  
12 that was subsequently hired by the District as Assistant Principal at IHS.

13 3.252. By March 20, 2018, Erin Connolly was concerned about Sophia Hagar's  
14 attendance at IHS.

15 3.253. On March 20, 2018, Emily Combellick offered to Patricia Hagar to send a survey  
16 request for additional feedback from Sophia Hagar's IHS teachers.  
17

18 3.254. Erin Connolly was unsure if the interventions attempted by the District for Sophia  
19 Hagar during the 2017-18 school year were successful due to Sophia Hagar not attending class.

20 3.255. On March 27, 2018, on the IHS campus, a group of boys physically restrained  
21 Sophia Hagar , while another boy kissed Sophia Hagar.  
22

23 3.256. A number of IHS student's rushed over to the area where Sophia Hagar was being  
24 physically restrained.

25 3.257. District staff and/or employees did not intervene on Sophia Hagar's behalf for the  
26 incident referred to in paragraph 3.255.  
27

1 3.258. Most or all of the boys that restrained Sophia Hagar were on IHS's  
2 baseball team.

3 3.259. The boys that restrained Sophia Hagar were at school the following day and were  
4 disciplined for their acts in no discernable way, if at all.  
5

6 3.260. On April 26, 2018, Emily Combellick emailed Patricia Hagar teacher  
7 feedback from a teacher survey of Sophia Hagar.

8 3.261. IHS teacher feedback from the survey expressed concerns regarding  
9 Sophia Hagar's absences from class, Sophia Hagar being easily distracted, Sophia  
10 Hagar's missing assignments, and Sophia Hagar's lack of follow through.  
11

12 3.262. According to Emily Combellick, the teacher feedback she received was  
13 that Sophia Hagar's issues with attendance was interfering with her academics.

14 3.263. Kurtis Evans, Sophia Hagar's math teacher at IHS, identified Sophia  
15 Hagar as presenting with anxiety as part of the feedback he provided in the teacher survey  
16 referenced in paragraphs 3.260 and 3.261.  
17

18 3.264. The District did not make changes to Sophia Hagar's 504 plan or refer  
19 Sophia Hagar for an initial evaluation for special education.

20 3.265. On May 15, 2018, Sophia Hagar was emergency expelled from IHS.

21 3.266. The District converted Sophia Hagar's emergency expulsion to a 90-day  
22 long-term suspension that was later reduced to a 10-day suspension.  
23

24 3.267. Parents appealed Sophia Hagar's suspension and an appeal hearing was  
25 held on June 13, 2018.

26 3.268. Douglas Wolff attended the appeal hearing held for Sophia Hagar on June  
27



1 13, 2018.

2 3.269. At the time of Sophia Hagar's appeal hearing, Douglas Wolf knew Sophia  
3 Hagar was failing five of her six classes at IHS, knew she had a general anxiety disorder, knew  
4 she was receiving outside treatment for the general anxiety disorder, and believed Sophia  
5 Hagar's anxiety disorder was having a significant impact on Sophia Hagar's attendance.  
6

7 3.270. As of July 20, 2020, Allison Cathro had not received any training through the  
8 District related to the District's child find obligation under IDEA.

9 3.271. As of July 20, 2020, Allison Cathro had not received any training through the  
10 District related special education.  
11

12 3.272. As of July 20, 2020, Emily Combellick believed that she had received no training  
13 through the District related to the District's child find obligation under IDEA.

14 3.273. As of July 20, 2020, Emily Combellick had not received any training through the  
15 District related to the District's child find obligation under IDEA.  
16

17 3.274. Typically, Emily Combellick is notified through the District if a student assigned  
18 to her is known to have experienced suicidal ideations.

19 3.275. As of August 17, 2020, Kurtis Evans was not familiar with the term "child find".

20 3.276. According to Kurtis Evans, IHS teachers do not receive training on when to refer  
21 IHS students for initial evaluations for special education.  
22

23 3.277. According to Kurtis Evans, as of August 17, 2020, IHS teachers did not receive  
24 training on referring IHS students for initial evaluations in special education.

25 3.278. As of the 2017-2018 school year, the District and or its agents counseled IHS  
26 teachers to not refer IHS students for initial evaluations for special education.  
27

1 3.279. As of July 20, 2020, Emily Combellick's familiarity with the term "child  
2 find" was limited to hearing the term used during special education related meetings.

3 3.280. According to Emily Combellick, she does not often work in the special  
4 education world.

5 3.281. During the 2017-2018 school year, Emily Combellick was responsible for  
6 coordinating and overseeing guidance team meetings for students assigned to her.

7 3.282. During the 2017-2018 school year, Emily Combellick was responsible for  
8 coordinating and overseeing 504 team meetings for students assigned to her.

9 3.283. During the 2017-2018 school year, Emily Combellick was responsible for  
10 referring students assigned to her for initial special education evaluations.

11 3.284. Emily Combellick did not feel that the interventions put in place by the  
12 District for Sophia Hagar during the 2017-18 school year were successful.

13 3.285. According to Emily Combellick, at IHS every intervention must in the  
14 general education setting must be attempted before referring a student for a special  
15 education evaluation.

16 3.286. At some point during the 2017-2018 school year, Erin Connolly knew that  
17 Sophia Hagar's 504 plan interventions were not effective.

18 3.287. A school psychologist and/or principal assigned to IHS did not provide all  
19 IHS teachers with training on the District's child find obligation during the 2014-2015  
20 school year.

21 3.288. A psychologist and/or principal assigned to IHS did not provide all IHS  
22 teachers with training on the District's child find obligation during the 2015-2016 school  
23 year.

1 year.

2 3.289. A psychologist and/or principal assigned to IHS did not provide all IHS  
3 teachers with training on the District's child find obligation during the 2016-2017 school year.

4 3.290. A psychologist and/or principal assigned to IHS did not provide all IHS teachers  
5 with training on the District's child find obligation during the 2017-2018 school year.

6 3.291. A school psychologist and/or principal assigned to IMS did not provide all IHS  
7 teachers with training on the District's child find obligation during the 2018-2019 school year.

8 3.292. A school psychologist and/or principal assigned to IHS did not provide all IHS  
9 teachers with training on the District's child find obligation during the 2019-2020 school year.

10 3.293. A school psychologist and/or principal assigned to IHS did not provide IHS staff  
11 with training on the District's child find obligation during the 2020-2021 school year.

12 3.294. Sophia Hagar failed all of her classes at IHS during the 2017-18 school year.

13 3.295. Sophia Hagar had 40 absences and was either tardy or absent for her first period  
14 class 64 times at IHS during the 2017-18 school year.

15 3.296. During the 2016-2017 school year, Sophia Hagar suffered from anxiety and  
16 depression that directly attributed to her school absences.

17 3.297. During the 2017-2018 school year, Sophia Hagar experienced frequent episodes  
18 of restless sleeping due to school related anxiety and other school related issues.

19 3.298. During the 2017-2018 school year, Sophia Hagar frequently felt ill due to school  
20 related anxiety and other school related issues.

21 3.299. During the 2017-2018 school year, Sophia Hagar would frequently cry at school  
22 and at home due to school related anxiety and other school related issues.

1 3.300. During the 2017-2018 school year Sophia engaged in self-harming  
2 behaviors that include cutting and attempting suicide that was directly related to anxiety,  
3 depression, and low self-worth due to her experience in the District.  
4

5 3.301. During the 2017-2018 school year, Sophia Hagar experienced  
6 hyperhidrosis that was triggered by school.

7 3.302. During the second half of the 2017-2018 school year, Sophia Hagar  
8 acquired substance abuse issues that were directly related to her school related anxiety,  
9 depression, and feelings of low self-worth as it relates to school.  
10

11 3.303. Sophia Hagar suffered severe physical and emotional pain while she  
12 attended at IHS due to self-harming events, some of which the District was aware of, and  
13 due to feelings of low self-worth, depression, and anxiety, all of which were directly  
14 related to the District's failure to timely and appropriately intervene on Sophie's behalf  
15 in the academic setting.  
16

17 **The Summer of 2018 and Sophia Hagar's Placement at Solstice**

18 3.304. Patricia Hagar contacted and began gathering information on Solstice on  
19 June 18, 2018.

20 3.305. Solstice is a residential treatment center in Layton, Utah, that serves  
21 biologically female youth ages 14 through 18.  
22

23 3.306. Solstice is a "nonpublic agency" ("NPA") recognized by Washington  
24 Office of Superintendent of Public Instruction.

25 3.307. From June 20, 2018, through July 15, 2018, Sophia Hagar had three  
26 documented incidents of overdosing on alcohol.  
27

1 3.308. Sara Young is a substance use disorder counselor at Friends of Youth, which is  
2 located in Washington state.

3 3.309. Sophia Hagar met with Sara Young on July 13, 2018 and Sara Young  
4 recommended Sophia Hagar attend inpatient treatment, based on, among other reasons, Sophia  
5 Hagar's substance use and her social environment in Issaquah, Washington.  
6

7 3.310. On July 16, 2018, Dr. Toliver-Sokol met with Parents and recommended that  
8 Sophia Hagar be placed in an inpatient care program.

9 3.311. On July 17, 2018, Parents paid the deposit to secure a bed for Sophia Hagar at  
10 Solstice.  
11

12 3.312. Solstice owns and operates Fernwood Academy ("Fernwood"), which is the  
13 school that Solstice's patients attend during their placement at Solstice.

14 3.313. While Sophia Hagar was placed at Solstice, she attended school at Fernwood.

15 3.314. Study Strategies is Fernwood's special education class.  
16

17 3.315. After Sophia Hagar's first quarter at Fernwood, Fernwood and Solstice staff  
18 agreed that Sophia Hagar should be placed in Fernwood's Study Strategies class.

19 3.316. Sophia Hagar earned class credits and made academic progress through Fernwood  
20 Academy.  
21

22 3.317. Other than for family visits that were a mandatory component of Sophia Hagar's  
23 Solstice program, Sophia remained at Solstice from July 24, 2018 to September 3, 2019.

24 3.318. The months away from school and family were excruciating but necessary for  
25 Sophia Hagar to stabilize.

26 3.319. While at Fernwood, Sophia Hagar frequently told her special education teacher  
27

1 that she felt “stupid” and did not feel like she was “worth it” in terms of Fernwood staff  
2 supporting her in the classroom.

3 3.320. Solstice and Fernwood provided intensive support to Sophia Hagar to  
4 modify her negative self-talk and self-image as it relates to the academic setting.  
5

6 3.321. Sophia Hagar’s negative view of herself in the academic setting continues  
7 to be a work in progress that is an area of concern for her treating psychiatrist and  
8 therapist.

9 3.322. Out of necessity, Sophia Hagar spent more than one year away from her  
10 home in Washington with her parents due to her depression, anxiety, and issues with  
11 substance abuse, which are directly related to her experience at the District.  
12

13 3.323. Patricia and Gabriel Hagar paid \$204,562.55 for tuition and other costs  
14 related to Solstice.

15 **The 2018-19 school year**

16  
17 3.324. On August 22, 2018, Patricia Hagar initiated the process for Sophia Hagar  
18 to be evaluated by the Issaquah School District for eligibility for special education  
19 services.

20 3.325. The District’s failure to meet its legal obligations to Sophia Hagar were  
21 systemic, ongoing, and part of a continuous course of conduct exhibited by the District  
22 at least until September of 2018, when the District agreed to schedule a guidance team  
23 meeting for Sophia Hagar.  
24

25 3.326. In email communications dated September 5, 2018, IHS School  
26 Psychologist Melinda Mechler was under the impression that IHS employee Erin  
27

1 Connolly was referring Sophia Hagar for a special education evaluation and Melinda Mechler  
2 attempted to persuade Erin Connolly to not refer Sophia Hagar for a special education evaluation.

3 3.327. On September 12, 2018, Patricia Hagar informed the District that they placed  
4 Sophia Hagar at Solstice and were requesting reimbursement.

5 3.328. On September 25, 2018, the District held a guidance team meeting for Sophia  
6 Hagar. According to the District, it declined to fund Sophia Hagar's unilateral placement at  
7 Solstice because Sophia Hagar's IEP team had not yet determined that Solstice RTC was  
8 necessary for Sophia Hagar's receipt of FAPE and Sophia Hagar was no longer living within  
9 District and, therefore, not entitled to any services from the District.  
10

11 3.329. During the first or second week of October 2018, the District unenrolled Sophia  
12 Hagar because she missed 20 straight days of school.

13 3.330. On October 16, 2018, the District's legal counsel confirmed for Parents' counsel  
14 that the District unenrolled Sophia Hagar.  
15

16 3.331. Brooks Power Group is a private company that offers, among other things, staff  
17 training to school district personnel, counseling, consultation, behavior support, evaluation and  
18 assessment services.  
19

20 3.332. At all relevant times, including from the 2015 school year to present day, Brooks  
21 Power Group had and continues to have a contractual relationship with the District.  
22

23 3.333. From 2015 to present day, the District has paid Brooks Powers Group some  
24 amount of money each month for services rendered to the District by Brooks Powers Group.

25 3.334. The District contracted with Brooks Powers Group to evaluate Sophia Hagar.

26 3.335. Parents learned shortly thereafter that the District unenrolled Sophia Hagar.  
27

1 3.336. Parents moved from Issaquah, Washington to Bothell, Washington on  
2 December 20, 2018.

3 3.337. Parents moved from Issaquah, Washington to Bothell, Washington to  
4 avoid having student return to IHS's toxic school environment.  
5

6 3.338. The District held an evaluation meeting for Sophia Hagar on February 6,  
7 2019.

8 3.339. The District's evaluation team determined that Sophia Hagar was eligible  
9 for special education and related services under the eligibility category of "Health  
10 Impairments."  
11

12 3.340. The District held an IEP team meeting for Sophia Hagar on March 14,  
13 2019.

14 3.341. During the IEP team meeting, Parents notified the District that they had  
15 moved to Bothell, Washington.  
16

17 3.342. The District informed Parents that their home was located within the  
18 Northshore School District and it would not provide special education services to Sophia  
19 Hagar

20 3.343. Nonetheless, the District finalized Sophia Hagar's IEP and recommended  
21 that she return immediately to a comprehensive high school.  
22

23 3.344. Dr. Rowden did not believe Sophia Hagar was ready to return to a  
24 comprehensive high school and shared with the IEP team that he did not agree with the  
25 District's proposed placement.  
26



1 3.345. Had Sophia Hagar returned to the District, the District would have been unable to  
2 immediately implement with fidelity all of the interventions and supports recommended in  
3 Brooks Powers Group and the District's evaluation reports.

4  
5 **September 2019 to Present Day**

6 3.346. Sophia Hagar was discharged from Solstice and joined Parents in Bothell,  
7 Washington, on September 3, 2019;

8 3.347. Tuition and other costs related to Sophia Hagar's placement at Solstice totaled  
9 \$204,562.55.

10 3.348. Sophia Hagar required additional counseling and therapeutic services when she  
11 returned to Washington at additional cost to Patricia and Gabriel Hagar.

12 3.349. The best case scenario is that Sophia Hagar remains a recovering addict, a burden  
13 she carries as a direct result of the District's failure to meet her academic needs despite having  
14 information necessary to know the District had a legal obligation to do so.

15 3.350. Sophia Hagar continues to receive treatment through her psychiatrist and therapist  
16 for her depression and anxiety disorders. Sophia Hagar continues to be impacted to this day with  
17 feelings of anxiety related to school. At times, Sophia Hagar is paralyzed and overwhelmed by  
18 school as a direct result of her experiences at the District and the District's failure to timely and  
19 meaningfully intervene.

20 3.351. Sophia Hagar continues to suffer from the actions of the District and will require  
21 psychiatric services and counseling for years to come due to her experiences at the District and  
22 the District's failure to timely and effectively intervene on her behalf.

3.352. Patricia and Gabriel Hagar have suffered from the actions of the District. Patricia and Gabriel Hagar have and continue to contribute to Sophia Hagar's support and wellbeing. During Sophia Hagar's threat and attempt at suicide and other acts of self-harm they were there to support and comfort Sophia Hagar while she suffered. Patricia and Gabriel Hagar were unsure for a time whether Sophia Hagar would live past the age of sixteen. They have supported and cared for her recovery. When the District failed to provide Sophia Hagar with a free appropriate public education, they paid for her continuing education.

#### IV. CAUSES OF ACTION

##### A. FIRST CAUSE OF ACTION: FEDERAL DISCRIMINATION AND CIVIL RIGHTS VIOLATIONS

Plaintiffs repeat and reallege paragraphs 1.1 through 3.352 as if fully set forth herein.

4.1 At all material times, the District was acting under color of law.

4.2 U.S. federal law protects Sophia Hagar from discrimination on the basis of disability.

4.3 By denying Sophia Hagar the accommodations, advantages, facilities, and/or privileges of a place of public accommodation, by failing to adequately respond to Sophia Hagar's needs in the educational setting the District discriminated against Sophia on the basis of her disability.

4.4 The District's actions and omissions as described herein were in violation of the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 *et seq.*, the Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.* and its implementing regulations, and the Rehabilitation Act of 1973, Section 504 and its accompanying regulations.

COMPLAINT (JURY DEMAND)  
- PAGE 42 OF 45 -

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1           4.5     By engaging in the acts and omissions described herein, the District, acting under  
2 color of law and with deliberate indifference, violated Sophia Hagar's rights under U.S. federal  
3 law to be free from discrimination on the basis of his disabilities.  
4

5           4.6     By engaging in the acts and omissions described herein, the District, acting under  
6 color of law and with deliberate indifference, violated Sophia Hagar's rights under U.S. federal  
7 law to benefit from her education free from discrimination based on his disabilities.  
8

9           4.7     At all relevant times, the Districts acts and omissions described herein, were  
10 ongoing, and part of a continuous course of conduct.  
11

12           4.8     Sophia Hagar's right to be free from discrimination on the basis of her disabilities  
13 as described herein was clearly established in law at the time of the incidents alleged.

14                   **B. SECOND CAUSE OF ACTION: NEGLIGENCE**

15           4.9     Plaintiffs repeat and reallege paragraphs 1.1 through 3.352 as if fully set forth  
16 herein.  
17

18           4.10    The District owed Plaintiffs numerous duties. Defendant's duties include, but are  
19 not limited to: (1) the duty to protect students in its custody from foreseeable harm; (2) the duty  
20 to anticipate harm which may reasonably be anticipated and to then take precautions to protect  
21 students in its custody from such harm; (3) the duty to protect students in its custody from assault,  
22 unwanted, and offensive touching by third parties; (4) the duty to adequately supervise and/or  
23 control so as to protect its students assault, unwanted, and offensive touching by third parties;  
24 (5) the duty to respond appropriately once aware that its students are being subject to such acts  
25 of assault, unwanted, and offensive touching by third parties; (6) the duty to protect its students'  
26 ability to maintain a healthy educational environment; (7) the duty to properly administer District  
27

1 policies and procedures responsive to existing statutory mandate for school districts to enact and  
 2 implement policies and protocols for the “recognition, screening, and response to emotional or  
 3 behavioral distress in students” pursuant to RCW’s 28A.320.127 and 1271; (8) the duty to  
 4 properly ensure its employees are properly trained to perform their duties; and (9) the duty to  
 5 hire, manage, and/or retain employees who are fit to perform their duties.  
 6

7 4.11 The District negligently breached each of the above duties. Those breaches  
 8 include, but are not limited to: 1) the failure to exercise reasonable care in response to reports of  
 9 an assault; 2) the failure to exercise reasonable care in policy administration; 3) the failure to  
 10 exercise reasonable care in ensuring employees were properly trained to perform their duties  
 11 owed to Plaintiffs; 4) the failure to properly train and/or supervise employees.  
 12

13 4.12 As a direct and proximate result of its breaches of duty, Plaintiffs suffered  
 14 damages set forth herein in an amount to be proven at trial.  
 15

### 16 **C. THIRD CAUSE OF ACTION: NEGLIGENT INFLICTION OF EMOTIONAL 17 DISTRESS**

18 4.13 Plaintiffs repeat and reallege paragraphs 1.1 through 3.352 as if fully set forth  
 19 herein.  
 20

21 4.14 Defendants negligently inflicted emotional distress upon the Plaintiffs, which was  
 22 reasonably foreseeable.  
 23

24 4.15 In breaching its duties to the Plaintiffs to identify, evaluate and provide Sophia  
 25 Hagar with appropriate services due to her disabilities and implement protocols for identifying  
 26 and dealing with students in emotional distress, the District negligently inflicted emotional  
 27 distress upon the Plaintiffs, directly and proximately causing Plaintiffs to suffer the damages set  
 28 forth herein in an amount to be proven at trial.

**VI. REQUEST FOR RELIEF**

**WHEREFORE, Plaintiffs request that this Court:**

Grant Plaintiffs request relief as follows:

A. For judgment against Defendants for state and federal civil rights violations; state and federal unlawful discrimination; violations of RCW 28A et seq.; negligence; failure to supervise; and negligent infliction of emotional distress.

B. For judgment against Defendant for all general and special damages in amounts to be proved at the time of trial;

C. For an award of costs and attorney's fees; and

D. For such other and further relief as the Court may deem just and equitable.

Dated this 22nd day of July, 2021.

s/ Lara Hruska

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